IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 19556 of 2002

AND

CONTEMPT CASE NO: 1027 of 2003

-

Between:

Kotagiri Satya Murthy S/o K. Sita Rama Swamy
Girijan Co-operative Corporation Ltd., R/o Kaspa Street, Ponduru
Srikakulam District

..... PETITIONER IN BOTH

AND

1 The Managing Director,
Girijan Co-operative Corporation Ltd., East Point Colony, China waltair
Visakhapatnam
2 The General Manager Girijan Co-operative Corporation Ltd.,
East Point Colony, China waltair
Visakhapatnam

.....RESPONDENTS IN BOTH

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not making the payments in respect of Gratuity amount of Rs.1,30,000/- to the petitioner as illegal, arbitrary and unjustified and unconstitutional and consequently direct the respondents to release Gratuity amount of Rs.1,30,000/- to the petitioner together with interest @ 12% per annum from the date on which it become payable i.e., 30.6.2001.

CC No.1027 of 2003: Contempt Case under Sections 10 to 12 of Contempt of Courts Act, praying that this Hon'ble Court may be pleased to summon the 1st and 2nd respondents and punish them under Section 10 to 12 of Contempt of Courts Act for violating the interim order in W.P.M.P. No.24573/2002 in W.P. No.19556/2002 dated 10.12.2002 passed by this Hon'ble Court.

Counsel for the Petitioner :MR.D.RAMAKRISHNA – in both cases.

Counsel for the Respondent Nos.1 & 2: MR.A.K.JAISWAL, standing Counsel – in both cases

The Court made the following :

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.19556 OF 2002

AND

CONTEMPT CASE NO.1027 OF 2003

COMMON ORDER:

Since the Contempt arise out of the interim order in the Writ Petition and in the process of compliance of the said interim order, the relief sought by the petitioner in the writ petition is considered by the Respondents, both the Writ petition and Contempt Case are taken up for final disposal by a common order.

The Writ petition is filed to issue a Writ of Mandamus declaring the action of the respondents in not paying the Gratuity amount of Rs.1,30,000/- and consequential direction to direct the respondents to pay the said amount with interest.

During the pendency of writ petition, this Court granted interim direction on 10.12.2002 in WPMP No.24573 of 2002 directing the respondents to pay the gratuity amount to the petitioner. For non-compliance of the said order, the petitioner filed the Contempt Case No.1027 of 2003.

Learned counsel appearing for the respondent submits that in pursuance of the directions of this Court, an amount of Rs.75,803.98 ps. was already settled and the balance amount of Rs.54,675.02 ps. was also sent to the petitioner by way of Demand Draft and thus the entire gratuity amount has been paid to the petitioner.

Learned counsel appearing for the petitioner submitted that for no fault of the petitioner, the respondents delayed the payment of gratuity amount and therefore the petitioner is entitled for the interest on the amount for the delayed period.

However, with regard to the claim of the petitioner for the interest on the gratuity amount for the delayed period is concerned, the petitioner shall make an application to the concerned respondent. On such application, the respondents may consider the interest aspect and dispose of the same in accordance with law by passing appropriate orders.

Since the respondents complied with the interim order of this Court, which is said to have been violated by them, the Contempt Case is closed.

Insofar as the writ petition is concerned, as the main grievance of the petitioner is considered by the respondents in the light of the interim order, the writ petition is liable to be disposed of.

Accordingly, with the above observations, the Writ Petition is disposed of. No order as to costs.

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V. ESWARAIAH, J

Date : JULY 27, 2004.

YS

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Managing Director,

Girijan Co-operative Corporation Limited,

East Point Colony, China Waltair,

Visakhapatnam.

2. The General Manager,

Girijan Co-operative Corporation Limited,

East Point Colony, China Waltair,

Visakhapatnam.

3. Two C.D. copies.